

**JOINDER OF DSSI DEFENDANTS IN MOTIONS
OF (I) DOSHI PRETTL INTERNATIONAL AND (II)
ATS AUTOMATION TOOLING SYSTEMS, INC. FOR RELIEF
FROM FOURTH ORDER EXTENDING TIME TO SERVE COMPLAINT**

DSSI LLC and DSSI¹ (the “DSSI Defendants”), by and through their undersigned counsel, hereby join in (the “Joinder”) the Motions of Doshi Prettl International (“DPI”) and ATS Automation Tooling Systems Inc. (“ATS”) for Relief From the Fourth Order Extending Time to Serve Complaint (collectively, the “DPI/ATS Motion”),² and in support thereof state as follows:

BACKGROUND

1. The Debtors filed an Adversary Proceeding against the DSSI Defendants under seal on September 28, 2007, and only served same upon the DSSI Defendants on or about March 22, 2010.

2. On May 15, 2010, the DSSI Defendants filed the “Motion Of The DSSI Defendants Seeking An Order (i) Pursuant To Fed. R. Civ. P. 60 And Fed. R. Bankr. P. 9024, Vacating Prior Orders Establishing Procedures For Certain Adversary Proceedings, Including Those Commenced By Delphi Corporation, Et Al. Under 11 U.S.C. §§ 541, 544, 545, 547, 548, And/Or 549, And Extending The Time To Serve Process For Such Adversary Proceedings; And (ii) Dismissing The Adversary Proceeding With Prejudice Pursuant To Fed. R. Civ. P. 12(B) And Fed. R. Bankr. P. 7012(B)” (the “Motion to Dismiss”). Pursuant to the Motion to Dismiss,

¹ In the Debtors’ preference action, the Debtors assert claims against a defendant styled “DSSI”. There is no entity known as DSSI in DSSI LLC’s corporate organization. Therefore, no response is necessary on behalf of this non-existent entity. “DSSI” is only referenced here to alert the Court to this issue and to prevent a default judgment being obtained against “DSSI” and efforts to assert any such judgment against DSSI LLC.

² Capitalized terms used herein that have not been defined, shall have the meaning ascribed to same in the DPI/ATS Motion.

the DSSI Defendants sought to dismiss the Complaint initiating the DSSI Adversary Proceeding (the “Complaint”). The Motion to Dismiss is currently still pending.

JOINDER IN DPI/ATS MOTION

3. As part of the Motion to Dismiss, the DSSI Defendants sought, among other things, relief from the Service Extension Orders as interlocutory orders pursuant to Rule 7054(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), which incorporates Civil Rule 54(b), as well as relief from the same orders as final orders, pursuant to Bankruptcy Rule 9024, which incorporates Civil Rule 60(b).

4. Pursuant to the DPI/ATS Motion (and this Joinder), DPI and ATS (and the DSSI Defendants) seek relief from the Order Pursuant to Fed. Bankr. P. 7004(a) and 9006(b)(1) and Fed. R. Civ. P. 4(m) to Extend Deadline to Serve Process for Avoidance Actions Filed In Connection with Preservation of Estate Claims Procedures Order (Docket No. 18999) (the “Fourth Extension Order”).

5. The Joinder is intended to preserve the DSSI Defendants’ right to seek relief from the Fourth Extension Order on the additional or alternative grounds asserted herein (and in the DPI/ATS Motion), to the extent that such grounds have not been asserted in the Motion to Dismiss or reply in support thereof, or in any of the other First Wave Motions to Dismiss and replies in support thereof in which the DSSI Defendants have joined. Further, this Joinder is made without prejudice to the DSSI Defendants’ right and intention to file an Opposition to Plaintiffs’ pending Motion for Leave to Amend, together with all arguments which are appropriately made in that Opposition.

6. For the reasons set forth hereinabove, the DSSI Defendants join in, adopt and incorporate in this Joinder, as if fully restated herein, all arguments set forth by DPI and ATS in

the DPI/ATS Motion, and request that the Fourth Extension Order be vacated or set aside and that the Complaint be dismissed with prejudice.

CONCLUSION

WHEREFORE, and for the reasons set forth hereinabove and in the DPI/ATS Motion, the DSSI Defendants respectfully request that this Court enter an Order: (i) vacating or setting aside the Fourth Extension Order, (ii) dismissing the Complaint against the DSSI Defendants with prejudice; and (iii) granting such other and further relief as the Court deems necessary and appropriate.

Dated: October 22, 2010
Roseland, NJ

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